

# **EXHIBIT 1**

## Inconsistencies Between Government's Opposition and Indictment's Allegations

| <u>Government's Opposition<sup>1</sup></u>   | <u>Indictment<sup>2</sup></u>  |
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| P. 3 – “. . . (c) Barrack and Grimes inserted UAE-favored language into the draft speech, <u>see id.</u> ¶ 18-19. . . ”  | ¶18 – “On or about May 13, 2016, the defendant [BARRACK] emailed the defendant [ALSHAHHI] a draft speech to be delivered by the Candidate about United States energy policy (the “Energy Speech”) and asked for feedback. ALSAHHI forwarded the email to Emirati Official 4. Thereafter, ALSAHHI sent a text message to BARRACK proposing language for the draft speech that praised Emirati Official 1 by name and stated, ‘This is what I got from them.’” |
| P. 58 – “Among other things, the Defendants are alleged to have: . . . Inserted UAE-favored language into a national energy policy speech delivered by then-candidate Trump, at the direction of the UAE, <u>see id.</u> ¶¶ 18-23”   | ¶19 – “Later that day, the defendant [BARRACK] emailed the defendant [ALSHAHHI] a revised draft of the Energy Speech that praised Emirati Official 1 by name.”   |
| P. 72 – “. . . Grimes is alleged to have inserted UAE-favored language in a national presidential campaign speech. . . ”   | <i>[The indictment does not allege that Matthew Grimes inserted UAE-favored language into the Energy Speech.]</i>  |
| P. 3 – “. . . (f) Barrack and Grimes flew to Morocco and met with senior UAE national security officials and a senior official from the Kingdom of Saudi Arabia (“KSA”), a close ally of the UAE, <u>see id.</u> ¶ 31. . . ”   | ¶31 – “On or about August 3, 2016, the defendants [BARRACK], [GRIMES] and [ALSHAHHI] flew to Tangier, Morocco for the purpose of meeting with Emirati Official 2. After arriving in Morocco, BARRACK met with Emirati Official 2.”   |
| P. 3 – “During the pendency of the Trump Campaign, Barrack and Grimes, working through Al Malik, made contact with senior UAE national security officials and, at their direction, agreed to influence public opinion and the foreign policy positions of the Trump Campaign, relay non-public information about the foreign policy positions and decisions of the Trump Campaign, develop a backchannel line of communication with the Trump Campaign on behalf of the UAE government, and design plans to increase the UAE’s political influence and promote its foreign policy preferences. <u>See id.</u> ¶ 13.” | <i>[Matthew Grimes did not meet with and is not alleged to have met with that Official in Morocco.]</i>  |
|  | <b>¶13 in the indictment does not allege that Matthew Grimes made contact with any senior UAE national security officials.</b>   |

<sup>1</sup> The quotes in this column are pulled from the Government's Memorandum of Law in Opposition to Defendants' Motions to Dismiss filed on 02/28/2022 (Dkt. No. 80). The highlights are intended to demonstrate the inconsistencies across the two pleadings.

<sup>2</sup> The quotes in this column are pulled from the indictment against Rashid Al Malik, Thomas Barrack, and Matthew Grimes filed on 07/16/2021 (Dkt. No. 5). For brevity, only the defendants' last names are used herein.

| <u>Government's Opposition</u> <sup>1</sup>  | <u>Indictment</u> <sup>2</sup>   |
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| P. 4 – “. . . (j) Barrack and Grimes flew to Abu Dhabi in December 2016 and met with senior UAE officials where they discussed a plan to influence U.S. foreign policy...”   | ¶60 – “On or about December 1, 2016, the defendants [BARRACK] and [GRIMES] traveled to the United Arab Emirates . . . . The following day, [BARRACK] met with Emirati Official 1, Emirati Official 2, and Emirati Official 3.”<br><br>[Matthew Grimes did not meet with and is not alleged to have met with those Officials.]  |
| P. 4 – “. . . (d) Barrack and Grimes agreed to advocate for a UAE-favored individual to be appointed to a senior position in the Trump Administration, <u>see id.</u> ¶¶ 71-73. . . ”  | ¶71 – After receiving from Mr. Alshahhi the resume of the UAE-favored Congressman, “[GRIMES] agreed to relay the message to BARRACK.”<br><br>¶72 – “On or about March 15, 2017, the defendant [ALSHAHHI] asked the defendant [BARRACK] to assist the United Arab Emirates in securing the appointment of the Congressman as United States Ambassador to the United Arab Emirates . . . . [ALSHAHHI] then provided BARRACK with the Congressman’s resume.”<br><br>[Matthew Grimes did not “agree to advocate” as the government’s brief claims.]  |
| P. 15 – “. . . the defendants are alleged to have used their access to the most powerful members of the government—Congressmen, senior executive branch officials, and even the President of the United States—to provide information to, and otherwise assist, a foreign government.”<br><br>P. 15, n.3 – “As reflected in the Indictment, ‘information gathering’ is one of the core aspects of the Defendants’ conduct taken on behalf of the UAE, including by providing non-public information about developments within the Trump Campaign and the Trump Administration. <u>See, e.g.,</u> Indictment ¶¶ 18, 19, 33, 54, 77, 78, 83, 87. | [While the government cites to ¶¶ 18, 19, 33, 54, 77, 78, 83, 87, Matthew Grimes is only referenced in ¶¶ 77–78.]<br><br>¶77 – “[T]he defendants [GRIMES] and [ALSHAHHI] arranged for the defendant [BARRACK] to meet with senior United Arab Emirates officials in the United Arab Emirates in the coming weeks.”<br><br>¶78 – “On or about May 16, 2017, the defendants [ALSHAHHI] and [BARRACK] discussed arrangements for BARRACK to meet with Emirati Official 1 and Emirati Official 2, with ALSHAHHI advising BARRACK . . . . BARRACK agreed. Thereafter, the defendant [GRIMES] and ALSHAHHI discussed via text message that BARRACK would provide ALSHAHHI with information about the meetings that occurred at the White House on or about May 15, 2017.”<br><br>[Matthew Grimes is not alleged to have “used his access” to the most powerful members of government.] |
| P. 67 – “The Indictment alleges that Grimes . . . (3) worked with Barrack to gather sensitive information about White House meetings and decisions by senior members of the U.S. government. . . .”<br><br>P. 69 – “. . . Grimes’ alleged actions were entirely outside the scope of his employment at Company A—e.g., . . . helping to gather non-public information about White House meetings.”<br><br>P. 72 – “. . . Grimes is alleged to have . . . sought to gather information of high-level U.S. government meetings to provide to the UAE. . . .”   |  |

| <u>Government's Opposition</u> <sup>1</sup>   | <u>Indictment</u> <sup>2</sup>   |
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| <p>P. 16 – “For example, the Defendants are alleged to have relayed non-public information to Al Malik and UAE officials about internal deliberations within the Trump Administration by senior U.S. officials about sensitive foreign policy issues, including the blockade of Qatar by the UAE and other Middle Eastern governments. See Indictment ¶¶ 83, 87.”</p> <p>P. 5 – “. . . (h) Barrack provided non-public information to Al Malik and UAE officials about internal discussions in the Trump Administration concerning the blockade of Qatar by the UAE and other Middle Eastern governments, see id. ¶¶ 83, 87.”</p> | <p><i>The government's opposition brief contradicts itself (compare p. 5 to p. 16) and the indictment (¶¶ 83, 87) as to which defendant provided the non-public information.</i></p> <p>¶83 – “On or about September 20, 2017, the defendants [BARRACK] and [ALSHAHHI] met in New York City. During the meeting, BARRACK advised ALSAHHI that the United States government was considering convening a summit . . . also known as ‘Camp David,’ with senior government officials from” various Middle East countries.</p> <p>¶87 – “ALSHAHHI wrote that he had met the defendant [BARRACK] the previous day and that BARRACK had advised ALSAHHI that several senior United States government officials were seeking to convince the President ‘that Qatar is a victim! And that all of other countries (Saudi, UAE) are also funding [terrorist] groups!!!’”</p> <p><i>[The indictment does not allege an overt act showing Matthew Grimes had anything to do with the Qatar blockade.]</i></p> |
| <p>P. 58 – “Among other things, the Defendants are alleged to have: [] Met with high-level UAE national security officials to establish themselves as a key channel between the UAE and the Trump Campaign, see Indictment ¶¶ 14-17”</p>  | <p>¶14 – “In or about May 2016, the defendant [BARRACK] took steps to establish himself as the key communications channel for the United Arab Emirates to the Campaign.”</p> <p>¶15 – “On or about April 24, 2016, the defendant [ALSHAHHI] emailed the defendant [BARRACK] to confirm that BARRACK would meet with Emirati Official 2 on May 1, 2016 in the United Arab Emirates.”</p> <p>¶16 – “On or about May 1, 2016, the defendants [ALSHAHHI] and [BARRACK] met with Emirati Official 2 and Emirati Official 4 in the United Arab Emirates.”</p> <p>¶17 – “On or about May 9, 2016, the defendant [ALSHAHHI] informed the defendant [BARRACK] that Emirati Official 4 had confirmed that BARRACK would be [] ‘the only channel to the Candidate’ for the United Arab Emirates.”</p> <p><i>[Matthew Grimes is not alleged to have met with high-level UAE national security officials.]</i></p>  |

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| P. 58 – “Among other things, the Defendants are alleged to have: . . . Promoted the UAE government in several national media appearances while coordinating those appearances with UAE national security officials, <u>see id.</u> ¶ 24”                                     | ¶24 – In or about and between May 2016 and October 2017, the defendant [BARRACK] repeatedly promoted the United Arab Emirates and its foreign policy interests during media appearances after soliciting direction from the defendant [ALSHAHHI] and United Arab Emirates officials.”<br><br>[Matthew Grimes did not make any media appearances nor is he alleged to have promoted the UAE government in any national media appearances in the indictment.]  |
| P. 58-59 – “Among other things, the Defendants are alleged to have: . . . Agreed to provide a senior UAE official with information regarding the President-Elect’s potential appointments to Cabinet and national security positions, <u>see id.</u> ¶ 54”                   | ¶54 – “On or about November 16, 2016, Emirati Official 5 contacted the defendant [BARRACK] and asked BARRACK to provide insight on the President-Elect’s potential appointments to the positions of United States Secretary of State, United States Secretary of Defense, Director of the [CIA] and United States National Security Advisor, noting, ‘I would only brief my bosses. Any indicators would be highly appreciated.’” BARRACK then responded directly.<br><br>[Matthew Grimes is not mentioned in ¶54 of the indictment.]  |
| P. 58-59 – “Among other things, the Defendants are alleged to have: . . . Traveled from the United States to the UAE to meet and strategize with UAE officials about a pro-UAE U.S. foreign policy wish list for the incoming Trump administration, <u>see id.</u> ¶¶ 60-62” | ¶60 – “On or about December 1, 2016, the defendants [BARRACK] and [GRIMES] traveled to the United Arab Emirates . . . . The following day, BARRACK met with Emirati Official 1, Emirati Official 2 and Emirati Official 3.”<br><br>[Matthew Grimes did not meet and strategize with and is not alleged to have met with those Officials.]  |
| P. 58-59 – “Among other things, the Defendants are alleged to have: . . . Agreed to arrange for two senior United States officials to attend a meeting with a senior UAE official at the White House in May 2017, <u>see id.</u> ¶¶ 76-77”                                   | ¶76 – “On or about May 14, 2017, the defendants [BARRACK] and [ALSHAHHI] discussed Emirati Official 1’s upcoming White House visit . . . . BARRACK asked ALSAHHI, ‘Do u [sic] want me to make sure [two senior United States officials are] in [the] meetings[?]’ ALSAHHI responded, ‘Yes plz [sic].’”<br><br>¶77 – The reference to GRIMES refers to arranging for BARRACK to meet with senior UAE officials <i>in the UAE</i> in the coming weeks, but not to attend a White House meeting.<br><br>[Matthew Grimes is not alleged to have arranged for two senior US officials to attend a meeting with a senior UAE official at the White House.] |

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| <p>P. 58-59 – “Among other things, the Defendants are alleged to have: . . . Arranged a telephone call between President Trump and a senior UAE official in January 2017 at the request of UAE officials, <u>see id.</u> ¶ 66”</p> <p>P. 4 – “. . . (b) Barrack and Grimes arranged for President Trump to speak on the telephone with a senior UAE official, <u>see id.</u> ¶ 66. . .”</p>                      | <p>¶66 – “On or about January 29, 2017, GRIMES advised ALSAHABI that the President would speak with Emirati Official 1 that day. GRIMES further noted that the telephone call between the President and Emirati Official 1 was arranged ‘right after I spoke to [BARRACK] about it again last night.’ GRIMES subsequently advised ALSAHABI, ‘We can take credit for phone call.’”</p> <p><i>[The indictment does not allege Matthew Grimes arranged the phone call, he merely spoke to Mr. Barrack about it and reported the message back to Mr. Alshahabi.]</i></p>   |
| <p>P. 61 – “The Indictment also alleges that Grimes had significant responsibilities in the charged scheme, including, . . . (2) editing and revising a national energy speech with UAE-favored language for then-Candidate Trump...”</p> <p>P. 69 – “. . . Grimes’ alleged actions were entirely outside the scope of his employment at Company A—e.g., editing then-Candidate Trump’s energy speech . . .”</p> | <p>¶18 – “On or about May 13, 2016, the defendant [BARRACK] emailed the defendant [ALSAHABI] a draft speech to be delivered by the Candidate about United States energy policy (the “Energy Speech”) and asked for feedback. ALSAHABI forwarded the email to Emirati Official 4. Thereafter, ALSAHABI sent a text message to BARRACK proposing language for the draft speech that praised Emirati Official 1 by name and stated, ‘This is what I got from them.’”</p> <p>¶19 – “Later that day, the defendant [BARRACK] emailed the defendant [ALSAHABI] a revised draft of the Energy Speech that praised Emirati Official 1 by name.”</p> <p><i>[The indictment does not allege that Matthew Grimes ever edited or revised the energy speech.]</i></p> |
| <p>P. 67 – “The Indictment alleges that Grimes (1) procured a dedicated cellular telephone and downloaded an encrypted messaging application for Defendants to communicate with UAE national security officials...”</p>  | <p>¶35 – “In or about and between September 2016 and October 2016, the defendants [BARRACK] and [GRIMES], with the assistance of the defendant [ALSAHABI], acquired a dedicated cellular telephone and installed a secure messaging application to facilitate BARRACK’s communications with senior United Arab Emirates officials.”</p> <p><i>[The indictment does not allege that Matthew Grimes used the cellphone to communicate with any UAE national security officials.]</i></p>   |